

REMARKS/ARGUMENTS

Applicant has carefully reviewed the above identified application in light of the Office Action dated April 8, 2004. Claims 1-27 remain presented for examination. Claims 1-4, 13, 16-19 and 27 have been amended to define still more clearly what Applicant regards as his invention, in terms which distinguish over the art of record. The specification has been carefully reviewed and amended as to matters of form, including those kindly pointed out in the Office Action.

Claims 1 and 16 are the only independent claims.

Claims 1-11 and 14-25 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent 6,563,912 (Dorfman). Claims 12, 13, 26 and 27 were rejected under 35 U.S.C. § 103 as obvious from Dorfman in view of U.S. Patent 5,951,638 (Hoss). The drawings were objected to as providing various reference signs that were not properly mentioned in the description. Applicant has addressed these objections by amending the specification. It is believed that these rejections been obviated, and their withdrawal is therefore respectfully requested.

The present invention, as defined by independent claim 1, relates to a messaging system which provides access for authorized users to pre-stored messages. At least one of these pre-stored messages includes multiple message portions constituting an initial audio message and one or more audio attachments to this initial audio message. The claimed method provides access to selected portions of said pre-stored messages. The method comprises providing a signal to a user indicative of at least one of said pre-stored messages being available for access; providing the user a different signal when a selected available pre-stored message includes both an initial audio message and one or more audio attachments; providing an option to the user for selecting one message portion from a selected pre-stored message which includes an initial audio message with one or more audio attachments; and upon selection by a user of said one message portion of said selected pre-stored message, causing only said selected portion to be provided to said user.

An important feature of the present invention is the enabling of a user to select a portion of a pre-stored message that contains both an initial audio message and one or more audio attachments. This feature is a solution to the problem in the prior art (discussed in the Background Section of the application) where an original voice message is forwarded, perhaps multiple times, and each recipient has the ability to add an attachment. As a result, “[S]uccessive recipients are forced to listen to a string of attachments before being able to hear the initial message” (specification, page 1, line 18). The present invention provides a user with the option to separate attachments and the initial message so that he can listen to any, all, or a combination of attachments, partial attachments, and the initial message.

As understood by applicant, Dorfman relates to a method for providing “integrated voice mail and email messaging for use with an email server and an email client” (Abstract, lines 2-3). In particular, Dorfman relates to a recorded voice mail message being transmitted via email as an email attachment. As a result, “the user can retrieve all of his or her voice mail through a standard email reader in the same manner that other email attachments are accessed” (col. 6, lines 7-10).

Dorfman fails to teach the feature of the present invention in which a portion from a pre-selected message is provided to the user where the pre-selected message including an initial audio message and one or more audio attachments. Fig. 7 and the accompanying text in Dorfman’s specification discuss options available to the user to “manipulate the voice mail message, such as play, reply, forward and delete” (col. 7, lines 41-43). Neither these options, nor anything else contained in Dorfman teaches or suggests how to manipulate through audio attachments to initial audio messages. Moreover, Dorfman teaches away from such combinations of audio messages. In his invention each voice mail message is appended on a one-to-one basis with an e-mail. Thus for example, in his description in which a user records a reply message, this gets recorded as an audio file, “a new [emphasis mine] email message is created at step 72, and the audio file is included as an attachment” (col. 4, lines 16-17). This one-to-one correspondence between each audio message and an email message is necessary in Dorfman’s invention as it enables what applicant regards as the essence of Dorfman’s invention:

it permits the user to "retrieve all of his or her voice mail through a standard email reader in the same manner that other email attachments are accessed" (col. 6, lines 7-10).

Dorfman fails to address the situation in which an initial audio message has one or more audio attachments – let alone permit a user to select a portion of such a combination.

Consequently, Dorfman fails to teach or suggest this feature of the present invention. Accordingly, the present invention, as defined by claim 1, is deemed patentable over Dorfman. Claim 16, which is system claim corresponding to the method claim of claim 1, is deemed patentable for the same reasons.

A review of the other art of record, to include Hoss, has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Respectfully Submitted,



Thomas J. Onka, Reg. No. 42,053
Attorney for Applicant

Synnestvedt Lechner & Woodbridge LLP
P.O. Box 592
Princeton, NJ 08542
609-924-3733 phone
609-924-1811 fax